

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

On August 10, 2011, this court ordered an *in camera* inspection of the documents listed on Defendant's privilege log which are the subject of Plaintiff's pending motion to compel. ([Filing 201](#).) The court has concluded its review of the documents and finds that Plaintiff's motion to compel ([filing 161](#)) should be granted, but only in part.

The documents at issue consist of emails, meeting notes and several memos prepared by Defendant's in-house counsel and vice-president, Amy Bones. The majority of the emails involve the solicitation and receipt of legal advice and include a disclaimer which labels the documents as attorney-client privileged. Similarly, each of the memos prepared by Ms. Bones are labeled as privileged and discuss legal matters. These documents are all shielded from discovery by the attorney-client privilege.

The meeting notes prepared by Monica Martin which were provided for review are also privileged. Like the emails and memos, the notes contain legal advice and strategy. The notes do not contain any discoverable, meaningful information explaining the reasons that Plaintiff's requests for accommodation were denied or include details regarding the Medical Education Management Team's ("MEMT") decision-making process. Additionally, the notes, which are hand-written sentence fragments and rather difficult to read or decipher, are all dated after this lawsuit was instituted.

There are, however, a few emails that the court will order Defendant to produce. These include: (a) the September 11, 2009 email between S.J. John P. Schlegel and Amy

Bones, including the attached letter from Esther Argenyi; (b) the June 18, 2009 email between Michael Kavan, Amy Bones and Wade Pearson; (c) the June 3, 2009 email between Michael Kavan, Amy Bones and Wade Pearson, including the attached letter from Amanda Mogg and (d) the June 2, 2009 email between Michael Kavan, Amy Bones and Wade Pearson, including the attached letter from Stacey D. Watson. These documents may shed some light on the information considered by the MEMT in making the decision to deny accommodations and do not appear to contain any privileged information.

Accordingly,

IT IS ORDERED:

1. Plaintiff's motion to compel ([filing 161](#)) is granted, in part, and denied, in part.
2. By or before August 26 2011, Defendant shall provide Plaintiff with copies of the documents specifically listed above.
3. To the extent that Plaintiff's motion to compel seeks the production of the remaining documents listed on Defendant's privilege log, it is denied.

DATED August 19, 2011.

BY THE COURT:

S/ F.A. Gossett
United States Magistrate Judge

NOTICE

A party may object to a magistrate judge's order by filing a Statement of Objections to Magistrate Judge's Order. Any objection to this order must be submitted on or before August 26, 2011. The objecting party must comply with the requirements of NECivR 72.2.